
 <p>ADMINISTRATIVE POLICIES AND PROCEDURES State of Tennessee Department of Correction</p>	Index #: 506.06	Page 1 of 9
	Effective Date: September 1, 2003	
	Distribution: B	
	Supersedes: 506.06 (8/15/00) PCN 00-78 (10/15/00)	
<p>Approved by: </p> <p>Subject: SEARCHES</p>		

- I. AUTHORITY: TCA 4-3-603, TCA 4-3-606, TCA 41-1-102, and TCA 39-17-1359.
- II. PURPOSE: To standardize approved methods for Tennessee Department of Correction (TDOC) staff to search visitors, employees, inmates, inmate housing units, and other areas of the facility.
- III. APPLICATION: To employees of TDOC institutions, employees of TRICOR, employees of privately managed facilities, and inmates.
- IV. DEFINITIONS:
 - A. Body Cavity: Internal part of the body, i.e., anus, vagina, ears, nose, or mouth.
 - B. Contraband: Any item not permitted by law or expressly prohibited by TDOC or institutional policy.
 - C. Drug Search by K-9: Periodic searches of persons and property for contraband drugs utilizing dogs specially trained to detect controlled substances.
 - D. Dry Cell: A room equipped with bed, lighting, and proper ventilation which will prevent the disposal of waste material or contraband.
 - E. Employees: All employees on the payroll of the institution, including TRICOR, or individuals contracted to provide services for that institution.
 - F. Frisk Search: A pat search in which an individual is not required to remove clothing.
 - G. Probable Cause: Where specific observable facts or trustworthy information from a reliable source leads a reasonably prudent and cautious person to conclude that a crime has been or is being committed.
 - H. Official Visitors: TDOC/TRICOR employees from work sites other than the institution, law enforcement officials, visiting dignitaries, etc.
 - I. Random Selection: A sample taken from the total population so that each member has an equal chance of being selected.
 - J. Reasonable Suspicion: Knowledge, based on specific objective facts and rational inferences drawn from those facts considering the totality of the circumstances, which would cause a prudent and cautious person to believe a particular individual at a particular time is concealing contraband in the particular place to be searched.
 - K. Room or Area Search: A thorough inspection of a housing unit, cell(s), room(s), or any other area, and of all items and furniture therein. Vehicles of employees and visitors are subject to search.

Effective Date: September 1, 2003	Index # 506.06	Page 2 of 9
Subject: SEARCHES		

- L. Strip Search: An examination of an individual's unclothed body for weapons and contraband, and a thorough search of all the individual's clothing while it is not being worn.
- M. Visitors: Persons other than TDOC employees or inmates, including vendors and volunteers, who seek to enter the gates or grounds of the institution.
- N. Visual Body Cavity Search: A visual inspection of body cavities which excludes touching the recipient, either personally or with instruments.
- V. POLICY: Searches of visitors, volunteers, employees, inmates, inmate housing units, and other areas of the facility shall be conducted in accordance with the procedures set forth below and in a manner which will avoid unnecessary force, embarrassment, or indignity to those whose person and/or belongings are being searched.
- VI. PROCEDURES:
 - A. Posting
 - 1. Each warden shall have signs (in English and Spanish) posted conspicuously at all entrance roads to institutional grounds and at all checkpoint and vehicular gate entrances to advise visitors to the institution that:
 - a. All persons and property are subject to search.
 - b. Drugs, alcohol, firearms, ammunition, explosives, and weapons are prohibited.
 - 2. Each warden shall have signs posted conspicuously at all visitor search points advising visitors to the institution that refusal of a search shall result in a suspension of his/her visitation privileges at any TDOC institution.
 - 3. All new TDOC facilities opened after July 1, 2000, must, in addition to the above, post a sign at all public entrances to TDOC buildings, premises, and property of a size that is plainly visible to the average person entering the building, premises, or property which reads as follows:

“Pursuant to TCA 39-17-1359, the Tennessee Department of Correction has banned weapons on the property, or within buildings. Failure to comply with this prohibition is punishable as a criminal act under state law and may subject the violator to a fine of not more than \$500.”

In addition to the sign, notice may also include the international circle and slash symbolizing the prohibition of the item within the circle.
 - 4. Inmates shall be advised of the institutional policy on searches during orientation and by means of the institutional inmate handbook.
 - B. Frisk searches of visitors, volunteers, employees, and inmates shall be conducted by designated staff who have received proper training in search procedures.

Effective Date: September 1, 2003	Index # 506.06	Page 3 of 9
Subject: SEARCHES		

- C. Frequent unannounced searches of inmates, inmate quarters, and all other areas of the facility shall be conducted as often as necessary in order to ensure the safety of the inmate population and security of the facility. Times and patterns of the searches shall vary, but shall be conducted semi-annually at a minimum.
- D. Searching Visitors:
1. There shall be no cross-gender searches of visitors.
 2. No forcible searches shall be conducted. Searches of children may only be conducted in the presence of the child's parent or guardian. Any visitor who refuses to submit to any search shall be denied admittance and ordered to leave state property.
 3. Any visitor who refuses to submit to an authorized search shall not be forcibly detained. However, if probable cause exists that the individual has illegal item(s) in their possession, efforts shall be made to detain the individual. If unable to detain the individual without using force, vital information such as names, address, phone number, automobile make and model, description, and license plate number and state of issue should be obtained, recorded, and passed on to the officer in charge, who in turn should notify local law enforcement authorities.
 4. A written memorandum detailing the visitor's refusal shall be prepared by the staff member involved and forwarded to the warden.
 5. Visitors who refuse to be searched shall have their visitation privileges suspended. Documentation of the refusal to be searched shall also be recorded on TOMIS conversation LCDG, contact code VIRC.
 6. All institutions with a security level of II (see Policy # 506.01 or #9506.01 for privately managed facilities) or above shall be equipped with metal detectors (either walk-through or hand held) at all visitor checkpoints.
 - a. Each visitor must be processed with the metal detector.
 - b. Anyone failing to clear a walk-through metal detector will be subjected to a closer screening by a hand-held metal detector. Failure to pass the localized search will require the individual to produce or otherwise identify the item causing the metal detector to react.
 7. A frisk search shall be conducted on all visitors, including vendors but excluding official visitors, entering the perimeter of a secure institution. Official visitors shall be frisk searched if they are randomly selected to be searched in accordance with Section VI. (F) (1) of this policy.
 8. Strip and visual body cavity searches of visitors require the prior approval of the warden/designee based upon a finding of reasonable suspicion. The approved Authorization for Search, CR-2156, shall be completed by the staff member designated to conduct the search and returned to the warden for filing. A copy will be provided for the person being searched.

Effective Date: September 1, 2003	Index # 506.06	Page 4 of 9
Subject: SEARCHES		

designated to conduct the search and returned to the warden for filing. A copy will be provided for the person being searched.

- a. Visitors may be required to replace their feminine hygiene products in the presence of prison personnel only if there exists individualized reasonable suspicion to prove that contraband is being brought in.
- b. Local policy may dictate non-contact visitation as an alternative option when a feminine hygiene product is detected. (See Policy #507.01.1.)

F. Searching Employees:

1. Wardens shall devise a process for the daily random selection for frisk search of employees and official visitors entering an institution.
2. There shall be no cross-gender searches of employees.
3. No forcible searches shall be conducted. Any employee who refuses to submit to a frisk search shall be subject to disciplinary action up to and including termination.
4. If an employee refuses to submit to any type of search and there is reasonable suspicion to believe that the employee may be concealing contraband, the employee may not be detained; however, he/she may be terminated for refusing to submit to a search.
5. A written memorandum detailing the staff's refusal shall be prepared by the searching staff members involved and forwarded to the supervisor and the warden.
6. Any staff who refuses to be searched will be restricted from entering the secure compound of the facility without authorization of the warden.
7. All institutions with a security level of II (see Policy # 506.01 or #9506.01 for privately managed facilities) or above shall be equipped with metal detectors (either walk-through or hand held) at all checkpoints.
 - a. Each staff member must be processed with the metal detector.
 - b. Anyone failing to clear a walk-through metal detector will be subjected to a closer screening by a hand-held metal detector. Failure to pass the localized search will require the individual to produce or otherwise identify the item causing the metal detector to react.
8. Strip and visual body cavity searches of staff require the prior approval of the warden/designee based upon a finding of reasonable suspicion. The approved CR-2156 shall be completed by the staff member designated to conduct the search and returned to the warden for filing. A copy will be provided to the person being searched. Staff may be required to replace their feminine hygiene products in the presence of searching staff only if there exists individualized reasonable suspicion to prove that contraband is being brought in.

Effective Date: September 1, 2003	Index # 506.06	Page 5 of 9
Subject: SEARCHES		

9. Prior to conducting a strip or visual body cavity search of an employee, the specific objective facts forming the basis of the reasonable suspicion finding shall be disclosed to the employee.

G. Searching Inmates:

1. Female correctional officers may frisk search inmates of both genders.
2. All inmates are subject to search at any time by institutional staff.
3. All inmates, excluding boot camp programs, designated as minimum custody shall be thoroughly searched whenever they have occasion to enter or leave a more secure area of the institution.
4. Inmates refusing a search of any type shall be charged with a disciplinary infraction for refusing a direct order. They may be forcibly frisked and strip searched upon prior approval of the warden/designee.
5. The warden shall determine areas within the facility in which inmates will be required to process through a metal detection screening.
6. Strip searches and visual body cavity searches may be authorized by the warden on a routine basis for all inmates participating in certain activities, including but not limited to returning from pass or furlough, transportation runs, transfers, visiting, work details, institutional lockdowns, etc. Institutional policy/post orders should stipulate areas/activities where routine strip and/or visual body cavity searches will occur. CR-2156 is not required in such instances. Strip/visual body cavity searches based on reasonable suspicion/probable cause require CR-2156 be completed by the warden/designee.
7. Inmates suspected of hiding contraband in a body cavity or who refuse to undergo a visual body cavity search may be temporarily housed in a "dry cell" subject to the following conditions:
 - a. Confinement is ordered by the warden/designee (no lower than shift supervisor) based upon reasonable suspicion.
 - b. The cell is thoroughly searched prior to placement of the inmate.
 - c. Inmate is provided with toilet articles, clothing, bedding, etc.
 - d. Inmate is provided with a means of collecting body excretion.
 - e. Inmate remains under constant observation by staff.
 - f. Confinement to be continued longer than 72 hours must be reviewed and authorized by the warden.

Effective Date: September 1, 2003	Index # 506.06	Page 6 of 9
Subject: SEARCHES		

- g. The health, hygiene, and exercise requirements outlined in Policy #506.16 or #9506.16 for privately managed facilities shall be followed.
 - h. A Segregation Unit Record Sheet, CR-2857, shall be completed for each inmate held in a dry cell. (See Policy #506.16 or #9506.16 for privately managed facilities for sample of form.)
- 8. Inmates will be placed in a dry cell rather than be subjected to a manual body cavity search.
- H. Searches of Inmate, Visitor, or Employee Personal Property:
 - 1. Any item in the immediate possession of an inmate, visitor, or employee at the time they are subjected to a search of any type shall also be searched.
 - a. Written documents should be sorted to detect contraband, but shall not be read. Walk-through and hand-held metal detector use does not constitute a search for this purpose.
 - b. A visitor or employee's wallet, purse, or briefcase should not be handled by the searcher, but shall be opened completely and its contents displayed by the owner/bearer. Inmate visitors' purses and wallets shall be secured in lockers provided for visitors.
 - 2. Vehicles driven by visitors or employees shall be searched as authorized by the routine plan developed by the warden in charge of the institution or based on reasonable suspicion. If the driver refuses to have the vehicle searched, the matter shall be handled as it would be if he/she refused a personal strip search or visual body cavity search.
 - a. An organized vehicle search shall be conducted no less frequently than once per quarter.
 - b. Vehicle searches shall be conducted on weekend days and/or holidays if visitation is occurring.
 - c. When possible, searches should be a coordinated effort between the institution and the local judicial task force. Tennessee Highway Patrol, sheriff's department, or drug task force drug dogs will be utilized when available.
 - d. The results of the search shall be reported on TOMIS conversation LIBJ and in the institution's quarterly report. A free text report shall be made to the Assistant Commissioner of Operations on TOMIS conversation LSWA advising of the search, the number of arrests, and items confiscated as a result of the search.
 - e. The warden shall determine whether the vehicle search will include the vehicles of employees. An unannounced employee vehicle search will be conducted at least annually.

Effective Date: September 1, 2003	Index # 506.06	Page 7 of 9
Subject: SEARCHES		

3. One (1) employee may conduct searches of housing units and cells/rooms. The inmate is not required to be present at the time the search is conducted.
 - a. After a search, a room should be left as was found, never in disorder. Inmate personal property shall be respected and shall not be willfully discarded, broken, or misplaced.
 - b. There shall be a complete search and inspection of each vacant room/cell before it is occupied by a new inmate. The warden/designee shall enter all vacant cells on TOMIS conversation LIBQ, Cell Search Request.
 - c. The warden/designee shall identify the number of occupied cells/rooms that are to be searched. The cell search request shall be entered on TOMIS conversation LIBQ. The employee designated to conduct the search shall enter the Cell Search Results on TOMIS conversation LIBR within 48 hours of completing the search.
4. Property, supplies, goods, and food stocks delivered to the institution shall be searched for contraband prior to entering the confines of the institution. All vehicles entering the institution compound shall be searched. (See Policy #506.05.)

I. Disposition of Contraband:

1. Any inmate possessing contraband shall be subject to disciplinary action. Possession of illegal items which have some legal penalty attached may also result in prosecution in a court of law.
2. If contraband is found in the possession of a visitor, the contraband shall be confiscated and the visitor may be detained for law enforcement officials and possible felony prosecution as per T.C.A. 39-16-201. If the visitor refuses to be detained, force shall not be used. Vital information such as name, address, phone number, automobile make and model, description, and license plate number and state of issue should be obtained, recorded, and passed on to the officer in charge, who in turn should notify local law enforcement authorities. An incident report shall be submitted. (See Policy #103.02.)
3. Employees found possessing contraband shall be subject to disciplinary action up to and including termination. Those in possession of illegal items shall be subject to arrest and prosecution.
4. All detected contraband shall be handled in accordance with Policy #506.15. The warden of a privately managed facility shall be responsible for ensuring that detected contraband is handled in accordance with CCA policies and procedures.

J. Records:

1. The warden shall maintain a file record of all submitted CR-2156 forms.

Effective Date: September 1, 2003	Index # 506.06	Page 8 of 9
Subject: SEARCHES		

2. The warden/designee shall further maintain incident reports, ledgers, memorandums, etc., submitted by the searching employee, regarding the patterns, frequency, and types of searches conducted of housing units, grounds, and buildings.

- K. The warden shall develop institutional policy which establishes procedures for conducting searches of all persons entering and leaving the institution. This policy shall be reviewed annually.

VII. ACA STANDARDS: 3-4184, 3-4185, 3-4186, 3-4268, 3-4269, 3-4445, 4-4192, 4-4193, 4-4194, 4-4281, 4-4282.

VIII. EXPIRATION DATE: September 1, 2006.



TENNESSEE DEPARTMENT OF CORRECTION
AUTHORIZATION FOR SEARCH

INSTITUTION

Date of Search: _____ Location: _____

Type of Search:

_____ Strip _____ Visual Cavity _____ Personal Vehicle

Subject of Search: _____
(Name of Person)

_____ Visitor Address _____

_____ Employee Address: _____

_____ Inmate TDOC Number: _____

_____ is hereby authorized to conduct the above specified
(Name of Officer/Position)

search of the named subject, I have been informed and believe there is good cause based in the following:

_____ to authorize that the search be conducted for the purpose of detecting contraband.

Signature of Warden / Designee

Position

Date

I understand that an authorization has been issued to conduct a _____ search
(strip/visual cavity/vehicle)

I hereby:

_____ Consent to the above described search

_____ Refuse to consent

Visitors who refuse to submit to a strip, visual cavity or personal vehicle search shall be advised that their refusal shall result in the termination of the intended visit and may result in the suspension of future visits at any TDOC institution.

Signature of Visitor

Witness

Witness